

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law

MAR 04 2004

2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
www.kmob.com

OFFICIAL

## Facsimile Transmittal Sheet

ORIGINAL WILL NOT FOLLOW

### Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Commissioner for Patents  
USPTO FACSIMILE No.: (703) 872-9306  
USPTO REFERENCE: Applicant: Mohamed K. Diab  
Serial No.: 10/695,405  
Filed: October 28, 2003  
Title: OPTICAL SPECTROSCOPY PATHLENGTH  
MEASUREMENT SYSTEM  
ATTORNEY: John M. Grover  
PHONE No.: (949) 7212946  
ATTORNEY DOCKET No.: MASIMO.236C1  
TOTAL PAGES: 4 (INCLUDING COVER SHEET)  
OPERATOR: Lisa Sierra  
DATE: March 1, 2004

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (949) 760-0404

Direct Line to Machine: (949) 760-9502

MESSAGE: **Attached for filing in the above-referenced application are:**

- PRELIMINARY AMENDMENT IN 3  
PAGES

San Diego  
619-235-8550

San Francisco  
415-954-4114

Los Angeles  
310-551-3450

Riverside  
909-781-9231

San Luis Obispo  
805-547-5580

MAR 04 2004

002

OFFICIAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

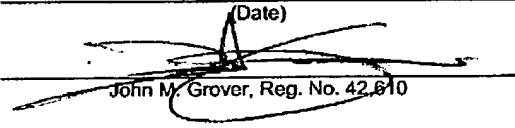
Appl. No. : 10/695,405  
Applicant : Mohamed K. Diab  
Filed : October 28, 2003  
TC/A.U. : Unknown  
Examiner : Unknown  
Title : OPTICAL  
SPECTROSCOPY  
PATHLENGTH  
MEASUREMENT  
SYSTEM  
Docket No. : MASIMO.236C1  
Customer No. : 20,995

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Fax No. (703) 872-9306 of the USPTO on the date shown below:

March 1, 2004

(Date)

  
John M. Grover, Reg. No. 42,810

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

Sir:

Preliminary to the examination of the present application, please amend the application as follows:

**Amendments to the Specification begin on page 2 of this paper.**